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FACSIMILE TRANSMISSION**Total # of Pages 9 (including this page)**

TO:	PHONE #:	FAX #:
Mail Stop Issue Fee Commissioner for Patents		(571) 273-2885

From : Stephen E. Reiter *SR*
Email Address : sreiter@foley.com
Sender's Direct Dial : 858.847.6711
Date : December 28, 2005
Client/Matter No : SALK2410 (088802-5651)
User ID: 1877

MESSAGE:

U.S. Patent Application No. 09/733,773

Following are:

- 1) Issue Fee Transmittal (2 pgs.)
- 2) Form PTOL-85(B), in duplicate (2 pgs.)
- 3) Request for Reconsideration of Patent Term Adjustment Under 37 C.F.R. §1.705 (3 pgs.)
- 4) Notification of Loss of Entitlement to Small Entity Status (1 pg.)

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DEC 28 2005 5:44PM


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NO. 0916 P. 2/9

Atty. Dkt. No. SALK2410
(088802-5651)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Noel and Verdecia
Title: CRYSTAL STRUCTURE OF
WW DOMAINS AND
METHODS AND USE
THEREOF
Appl. No.: 09/733,773
Filing Date: 12/08/2000
Examiner: L. Clow
Art Unit: 1631
Conf. No.: 2948

CERTIFICATE OF FACSIMILE TRANSMISSION I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below. Stephen E. Rafter (Printed Name)  (Signature) December 28, 2005 (Date of Deposit)

ISSUE FEE TRANSMITTAL

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed herewith are

1. Issue Fee Transmittal Form PTOL-85(B) along with authorization to charge Deposit Account No. 50-0872 the amount of \$1,430.00 to cover the payment of the Issue Fee and ten additional copies of the issued utility patent, in duplicate.
2. Request for Reconsideration of Patent Term Adjustment Under 37 C.F.R. §1.705.
3. Notification of Loss of Entitlement to Small Entity Status.

DLMR_279057.1

In re application of
Joseph P. Noel et al.
Application No.: 09/733,773
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Atty. Dkt. No. SALK2410
(088802-5651)

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.18, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Respectfully submitted,

Date 12/28/05

By Stephen E. Reiter

FOLEY & LARDNER LLP
Customer Number: 30542
Telephone: (858) 847-6711
Facsimile: (858) 792-6773

Stephen E. Reiter
Attorney for Applicant
Registration No. 31,192


DLMR_279057.1



Atty. Dkt. No. SALK 2410 (088802-5651)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Joseph P. Noel et al.
Title: CRYSTAL STRUCTURE OF WW
DOMAINS AND METHODS
AND USE THEREOF
Appl. No.: 09/733,773
Filing Date: 12/8/2000
Examiner: Lori A. Clow
Art Unit: 1631
Conf. No. 2948

CERTIFICATE OF FACSIMILE TRANSMISSION I hereby certify that this correspondence is being facsimile deposited with the United States Patent Office in Alexandria, Virginia, on the date below. Stephen E. Reiter (Printed Name)  (Signature) December 28, 2005 (Date of Deposit)
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REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT**UNDER 37 C.F.R. §1.705**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants respectfully request reconsideration of the patent term adjustment (PTA) of 356 days as indicated on the Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) mailed on September 29, 2005. The total PTA should be adjusted by an additional 347 days, for a total of 703 days, as determined below.

Upon review of the Patent Term Adjustment History using the Patent Application Information Retrieval (PAIR) database, it is noted that Applicants should be credited an additional 347 days for USPTO delay beyond April 29, 2005 (the end of the three-year pendency period) through the projected patent issue date of April 11, 2006 (six and one half months from

DLMR_278986.1

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Joseph P. Noel
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the time of mailing of the Notice of Allowance). The additional 347 days of PTA are derived as follows.

The present application was filed on December 8, 2000. There were delays by the USPTO and Applicant of 508 and 95 days, respectively. Thus, the three year period to end prosecution (taking into account 603 days of combined delays) expires April 29, 2004. In view of the projected patent grant date of April 11, 2006, there are an additional 347 days that should be charged to USPTO delay.

Therefore, the net Patent Term Adjustment should be 703 days (based on 356 days already acknowledged on PAIR, plus 347 days as noted above). Accordingly, it is respectfully requested that the total patent term adjustment of 703 days be issued in favor of the Applicant. This patent is not subject to a terminal disclaimer.

It is further requested that the fee of \$200.00 be waived in light of the above circumstances. However, if the Patent Office determines that the fee is required, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

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Joseph P. Noel
Application No.: 09/733,773
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In the event any matters remain to be resolved in view of this communication, the Examiner is encouraged to call the undersigned so that a prompt disposition of this application for patent term adjustment can be achieved.

Respectfully submitted,

Date: December 28, 2005



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DEC 28 2005 5:46PM

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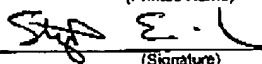
NO. 0916 P. 9/9



Atty. Dkt. No. SALK2410
(088802-5651)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Noel and Verdecia
Title: CRYSTAL STRUCTURE OF WW
DOMAINS AND METHODS
AND USE THEREOF
Appl. No.: 09/733,773
Filing Date: 12/08/2000
Examiner: L. Clow
Art Unit: 1631
Conf. No. 2948

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**NOTIFICATION OF LOSS OF ENTITLEMENT TO
SMALL ENTITY STATUS**

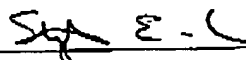
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §1.27(g)(2), Applicant hereby states that small entity status in the above-identified application is no longer appropriate. Fees paid presently and henceforth will be paid based on large entity status.

Respectfully submitted,

Date 12/28/05
FOLEY & LARDNER LLP
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By 
Stephen E. Reiter
Attorney for Applicant
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DLMR_279059.1